

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

PHILIP COLUMBO,

Plaintiff,

v.

PHILIPS BRYANT PARK LLC d/b/a THE
BRYANT PARK HOTEL LLC, PHILIPS
INTERNATIONAL HOLDING CORP., ASG
EQUITIES LLC, MAVERICK MANAGEMENT
CORP., PHILIP PILEVSKY, ISAAC GINDI,
EZRA SULTAN, MICHAEL PILEVSKY, SHEILA
CHESS, SETH PILEVSKY, XYZ
CORPORATIONS 1-10, and JOHN AND JANE
DOES 1-10,

Defendants.

22-CV-775 (RA)

MEMORANDUM
OPINION & ORDER

RONNIE ABRAMS, United States District Judge:

Pending before this Court is Plaintiff’s motion for reconsideration of its decision granting partial dismissal of his Amended Complaint. On March 15, 2024, the Court issued a 44-page opinion granting Defendants’ partial motion to dismiss Plaintiff’s initial Complaint. *See Columbo v. Philips Bryant Park LLC*, No. 22-CV-775, 2024 WL 1138942 (S.D.N.Y. Mar. 15, 2024). The Court permitted Plaintiff an opportunity to amend. Plaintiff thereafter filed both a motion for reconsideration and an Amended Complaint. The Court denied Plaintiff’s motion for reconsideration, and Defendants filed a partial motion to dismiss the Amended Complaint, which the Court granted in part and denied in part. Now before the Court is the Plaintiff’s motion for reconsideration of this decision. *See* Pl.’s Mot. for Reconsideration of the Court’s Dec. 3, 2024 Order, ECF No. 134 (“Mot. for Reconsideration”).

For the reasons that follow, Plaintiff’s motion is denied. The Court assumes familiarity with the background of this case, which the Court detailed in its prior written opinion. *See*

Columbo, 2024 WL 1138942, at *1–*4.

LEGAL STANDARD

“Motions for reconsideration are governed by Local Civil Rule 6.3 and Federal Rule of Civil Procedure 60(b).” *Eckhart v. Fox News Network, LLC*, No. 20-CV-5593, 2022 WL 4579121, at *1 (S.D.N.Y. Sept. 29, 2022).¹ A court will grant reconsideration when a movant demonstrates “an intervening change of controlling law, the availability of new evidence, or the need to correct clear error or prevent manifest injustice.” *Virgin Atl. Airways, Ltd. v. Nat’l Mediation Bd.*, 956 F.2d 1245, 1255 (2d Cir. 1992).

DISCUSSION

Plaintiff urges the Court to reconsider its prior decision in order to “correct a clear error or prevent manifest injustice.” Mot. for Reconsideration 5 (quoting *Mahon v. McCall*, No. 13-CV-2076, 2015 WL 2446505, at *2 (S.D.N.Y. May 21, 2015)). The Court disagrees that clear error was committed.

As the Court explained in its decision denying Plaintiff’s first motion for reconsideration, such a motion “is not a vehicle for relitigating old issues, presenting the case under new theories, securing a rehearing on the merits, or otherwise taking a second bite at the apple.” *Analytical Survs., Inc. v. Tonga Partners, L.P.*, 684 F.3d 36, 52 (2d Cir. 2012). It is apparent from Plaintiff’s explicit reliance on the reasons given “in previous pleadings and proceedings in this matter” that he attempts to do precisely that. Mot. for Reconsideration 4. Plaintiff does not cite to any newly discovered evidence or a change in the controlling law. Indeed, Plaintiff identifies only a single new case in his motion for reconsideration, which he relies upon for the applicable legal standard and is otherwise inapposite. *Compare* Mot. for Reconsideration, *with Columbo*, 2024 WL

¹ Unless otherwise indicated, case quotations omit all internal citations, quotations, footnotes, omissions, and alterations.


1138942; *see also Mahon*, 2015 WL 2446505, at *3 (denying reconsideration of opinion granting motion to dismiss amended complaint, which alleged that defendants denied the litigant's right of access to the courts while in custody).

CONCLUSION

For the foregoing reasons, Plaintiff's motion for reconsideration is denied in its entirety. The Clerk of Court is respectfully directed to close the motion pending at ECF No. 134.

SO ORDERED.

Dated: April 8, 2025
New York, New York



Ronnie Abrams
United States District Judge